



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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MAY 13 2003

Paper No. 27

In re Application of :
Luis J. Rodriguez : DECISION ON REQUEST
Application No. 09/978,215 : FOR RECONSIDERATION
Filed: October 15, 2001 :
For: Self Sealing Letter Sheets :

The paper filed by facsimile transmission on May 9, 2003 is being treated as a request for reconsideration of the Decision on Petition dated May 1, 2003 by which petitioner sought supervisory direction to enter a model in the record. The original petition filed on October 17, 2002 was dismissed. No fee is required for the request for reconsideration..

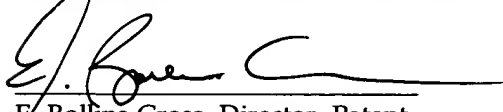
The request for reconsideration is denied.

As noted in the original Decision, MPEP § 608.03 states that "[M]odels or exhibits are generally not admitted as part of an application or patent unless the requirements of 37 CFR 1.91 are satisfied." Even assuming compliance with 37 CFR 1.91(a)(1) as argued in the request for reconsideration, petitioner has failed to demonstrate entitlement to admission of the model pursuant to 37 CFR 1.91. The model of petitioner's invention has not been shown by petitioner to be necessary to demonstrate patentability of the invention, because petitioner's argument that the examiner has not understood the invention is unsupported by anything more than petitioner's belief that the examiner has improperly rejected the claims of record. This belief does establish that the examiner does not understand the invention; examiners may understand an invention and nevertheless properly reject claims directed to the invention. A review of the record clearly demonstrates that the examiner has understood the application and the invention described therein. While the propriety of the examiner's action is a subject for appeal pursuant to 37 CFR 1.181(a)(1) and 37 CFR 1.191, and therefore, the undersigned lacks jurisdiction to comment on the propriety of the rejection, it is simply illogical to presume that the examiner fails to understand the invention merely because an examiner rejects claims to the invention.

As the requirement of 37 CFR 1.91(a)(3) has not been satisfied, and the alternative requirement of 37 CFR 1.91(a)(2) has not been satisfied because the model was not required by the Office, there is no basis for entry of the model.

The request for reconsideration has been granted to the extent of reviewing the original Decision, in light of the arguments presented in the request. However, the request for reconsideration is wholly unpersuasive of any reason for granting the requested relief.

REQUEST FOR RECONSIDERATION DENIED..


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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